

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 3577 of 2004

GAJENDRA SURANA
V/S
STATE & ANR.

Mr. TRIBHUVAN GUPTA, for the appellant / petitioner

Date of Order : 23.9.2004

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned counsel for the petitioner.

It is contended by learned counsel for the petitioner that two cases were pending against the petitioner, and petitioner was placed under suspension. However, the petitioner was reinstated on 20.1.2004, but then vide order dated 10.8.2004, he has again been placed under suspension on account of his having been convicted in special ACD case No. 54/97, against which, SBCr.Appeal No. 78/99 is already pending before this court. It is contended by learned counsel for the petitioner that, in the aforesaid circumstances, this suspension is wholly bad.

A perusal of Annex.4 shows that petitioner was ordered to be reinstated on the ground that vide Judgment dated 24.9.03, the petitioner was acquitted by criminal court. However, from the perusal of order Annex.1, it transpires that petitioner has been placed under suspension on account of his having been convicted by criminal court vide judgment dated 11.12.99 wherein the petitioner has been found guilty of the offence under Secs. 13(1)(d) and 13(2) of the Prevention of Corruption Act, so also under Sec. 420 IPC, and in view of Government circulars dated 21.12.96 and 10.8.01.

It appears from the totality of circumstances, that pending trial of both the criminal cases, petitioner was placed under suspension in the year 1996, and trial of both the cases were continuing, and petitioner was acquitted in one case vide judgment dated 24.9.03. The petitioner appears to have approached the respondents for reinstatement on the ground of acquittal, and thereupon, order Annex.4 was passed, but then on coming to know of the other subsisting conviction, order Annex.1 has been passed, which in my view, does not require any interference under Art. 226 of the Constitution.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA), J.

/Srawat/